

CABINET MEETING: 12 JULY 2018

OCCUPATIONAL ROAD RISK POLICY

**CLEAN STREETS, RECYCLING & ENVIRONMENT
(COUNCILLOR MICHAEL MICHAEL)**

AGENDA ITEM: 2

Reasons for this Report

1. To seek Cabinet approval of the proposed Occupational Road Risk Policy for the Council.

Background

2. The Administration's vision statement 'Capital Ambition' sets out the corporate objective to modernise and integrate Council services. One of the drivers for achieving this change is to make sure our public services are delivered efficiently, effectively, sustainably and safely in the face of the rising demand and reducing budgets. How the Council manages its extensive fleet of vehicles and associated driving operations is a key provision that underpins front-line service delivery and supports the city's ambitions in terms of the Clean Air Strategy.
3. The Council operates, on a daily basis, a fleet of over 700 vehicles and plant with vehicles ranging from a variety of cars (including 20 pool cars), vans and minibuses to specialist fleet such as refuse collection vehicles and cherry pickers for street lighting. In parallel, a significant 'Grey Fleet' of vehicles is in operation, that is, vehicles that belong and are used by Council employees for Council business purposes.
4. As part of its fleet of vehicles and plant, the Council currently operates 85 Large Goods Vehicles for the delivery of its Waste, Highways, Street Lighting, Parks, Green Spaces, Burial services and Library services. To operate Large Goods Vehicles the operator must apply and be granted a Goods Vehicle Operators Licence. This is issued to the organisation by the Traffic Commissioner after satisfying a series of requirements.
5. As the Council has to hold an Operators Licence, the operations of all its relevant fleet and drivers must also satisfy the stipulated requirements. Failure to demonstrate compliance carries the risk of losing the Operators Licence which would significantly inhibit the Council's ability to complete a

number of other statutory services, such as those of the Highways Authority or Waste Collection Authority.

Issues

6. A review of the Operators Licence requirements has identified a number of areas for improvement. In response, a Working Group was established with the objective of drafting an Occupational Road Risk Policy for the Council to put in place appropriate standards to minimise the risks to employees and others arising from its use of motor vehicles. The Working Group comprised representative officers from Service Areas across the Council and Union representatives from GMB, Unite and Unison. Trade Unions Representatives in respect to schools did not form part of the Working Group as the policy is not automatically applicable to schools. Matters relating to schools are covered later in the report.
7. The Working Group has prepared an Occupational Road Risk Policy for the Council and this is enclosed in Appendix 1.
8. The stated purpose of this Policy is to help clarify Council responsibilities and provide guidance to the Council in discharging its respective duties. It aims to support the Council's workforce, its Directors, Assistant Directors, Operational Managers, Managers and Supervisors, anyone with line management or supervisory responsibility and Drivers in delivering high standards of safety, reducing and dealing with risks associated with driving at work activities. It is important to note that it applies to all Council employees, Agency Workers, Contracted Persons and Elected Members who are authorised to drive for Council work purposes. It covers the use of Council owned, leased or hired vehicles, including pool cars, and also the use of private cars when being used for Council work purposes, whether mileage payments are claimed or not (Grey Fleet).
9. A key part of the Policy is Section 4 which sets out the responsibilities in respect to the day to day operation of vehicle operations for the different hierarchical roles: Chief Executive; Directors/Assistant Directors; Operational Managers; Managers/Supervisors and Drivers. It also sets out the responsibilities of the Transport Manager who is required to 'effectively and continuously' manage the vehicle operations of the Council (that is, effectively manage on a day to day basis the transport operations of the Council). This is a statutory and corporate wide role that is required for the Council to attain and retain its Operators Licence. The role carries personal responsibility and liability. For this reason, the stated responsibilities of the Transport Manager include taking appropriate action(s) in respect of Drivers/vehicles managed by Directorates to ensure compliance with legislative requirements (which include the Council's Operators Licence). Such intervention might be required, for example, where a Directorate Manager has not appropriately dealt with a regulatory non-compliance issue following an accident or incident.
10. The other key sections of the Policy cover: Vehicle Management Information systems (e.g. vehicle trackers); Training; Legislative Requirements; Insurance and Accident Reporting, and Driver Administration and Recruitment.

Implementation

11. It is intended that this Policy be implemented with effect from 1 September 2018. To assist with its effective implementation, it is proposed that all managers that have responsibility for vehicles and drivers complete an on-line training module, similar to that used for the implementation of the Attendance and Wellbeing Policy. Front-line drivers will be required to attend a 'tool box' briefing on the requirements of the Policy and their associated responsibilities. It is intended that this training be completed within 6 months of implementation of the Policy. In addition, it is proposed that Elected Members be provided with a briefing paper identifying how the policy will affect them in undertaking their day to day duties.
12. It is proposed that the Policy be reviewed after 12 months and thereafter as required in the light of operational experience and/or change in legislative requirements.

Governance

13. As identified in the Central Transport Services Update report considered by Cabinet on 5 July 2018, new governance arrangements for the management of the Central Transport Services and fleet management are being established to provide additional safeguards to ensure the Service Areas are fully involved and aligned on decision making. This comprises a new forum of relevant Cabinet Members and senior officers to review key decisions prior to presentation to Cabinet. The implementation of this Policy will be overseen by these new governance arrangements.

Schools

14. As the proposed Policy relates to health and safety matters, it is automatically applicable to maintained schools. It is recommended that the proposed Policy be adopted by non-maintained schools.
15. Further consideration also needs to be given to the maintenance of school vehicles including minibuses. At the present time, schools are required to insure their vehicles through the Council's motor insurance policy. However, unlike the Council's core fleet, schools do not have to have their vehicles inspected, MOT'd and serviced through the Council's Central Transport Service. This presents the Council with a risk as any non-compliance regarding the minibuses could affect the status of its Operators Licence. It is proposed that this issue be subject to further review so that appropriate arrangements are agreed, established and documented to ensure that school vehicles are operated and maintained as required by legislative requirements and that transparency is provided to satisfy the Council's Operators Licence requirements.

Consultation

16. The Trade Unions have been formally consulted on this Policy through the Trade Union Partnership meetings.

Reasons for Recommendations

17. To ensure that the Council has the necessary arrangements in place to effectively manage and minimise the risks arising from the use of motor vehicles for Council business purposes.

Legal Implications

18. The report recommends the approval and implementation of an Occupation Road Risk Policy and does not raise any direct legal implications.
19. In considering this matter regard should be had, amongst other matters, to:
 - (i) The Councils' duties under the Wellbeing of Future Generations (Wales) Act 2015, and;
 - (ii) Public sector duties under the Equalities Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties Councils must in making decisions have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. Protected characteristics are: a. Age; b. Gender reassignment; c. Sex; d. Race – including ethnic or national origin, colour or nationality; e. Disability; f. Pregnancy and maternity; g. Marriage and civil partnership; h. Sexual orientation; i. Religion or belief – including lack of belief. It is understood that an equalities impact assessment has been undertaken and is attached to this report for members consideration.

Finance Implications

20. No direct financial implications are expected from the implementation of the Occupational Road risk policy. The Council's Insurance section has supported the development of the policy and having a formal policy in place will provide a positive demonstration to the Council's insurers of how the Council is managing its motor risks.

Human Resources Implications

21. The new policy will require communication to all employees and managers in order that everyone is aware of their responsibilities. Particular emphasis should be on employees to whom the definition 'driver' applies.
22. The Trade Unions have been consulted on the policy through trade union partnership meetings. For schools further consultation would be required at Education SAJC.
23. Cardiff Academy is currently developing on-line training modules to support the mandatory training requirements of the policy.

RECOMMENDATIONS

Cabinet is recommended to approve the Occupational Road Risk Policy (appendix 1) and authorise implementation so as to take effect on 1 September 2018.

SENIOR RESPONSIBLE OFFICER	ANDREW GREGORY Director of Planning, Transport & Environment
	6 July 2018

The following appendices are attached

Appendix 1 – Occupational Road Risk Policy
Appendix 2 – Statutory Screening tool
Appendix 3 - Equality Impact Assessment

The following Background documents have been taken into account

Central Transport Service Update – Report considered by Cabinet on 5 July 2018